

REMARKS

The Office Action dated February 2, 2004, rejected claims 1-44. Claims 1-7, 9, 11-18, 29-36 and 39-40 were rejected under 35 U.S.C. 102(e) as being anticipated by Kim (USPN 5,995,133, hereinafter "Kim") and claims 20-28 and 41-44 were rejected under 35 U.S.C. 102(e) as being anticipated by Collings (USPN 5,828,402, hereinafter "Collings"). Claims 8, 19 and 37 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kim in view of Elam (USPN 6,216,263).

In the teleconference of February 18, 2004, the Examiner indicated that his rejection was based on the notion that the selectable ratings (TV-14 etc.) disclosed in Kim could be considered both a rating and a subject matter category since the rating can relate to the subject matter of the rated program. While the Applicants do not agree with this reasoning, the Applicants have amended the claims to further clarify the differences between the subject matter of the application and that of the cited references.

In light of the most recent amendments, the Applicants respectfully submit that the claims are now in allowable form and respectfully request reconsideration and withdrawal of the Examiner's rejections and allowance of the application.

Claim Amendments

The application discloses methods and systems that, in part, allow a user to select a viewer profile specification set such as, for example, the PRETEEN SETTING, EARLYTEEN SETTING and LATETEEN SETTING, which are stored in memory (see, for example, pp. 26-29 and FIGs. 3 and 5 of the application. These viewer profile specification sets can correspond to one or more content-based specification sets, which can include a rating and/or a subject matter category (see, for example, p. 27, ll. 3-13). Contrary to other V-chip systems where the user must navigate through multiple levels of menus in order to set TV ratings, movie ratings and subject matter categories for blocking programs with corresponding content, here, when a certain viewer profile is selected by the user, the system automatically sets the corresponding content-based specification set in response to the user's selection (see, for example, p. 27, ll. 14-16).

Claim 1, as amended, recites “selecting one of one or more viewer profile specification sets stored in permanent memory within the consumer electronics device in response to a user input” and “setting a content-based specification set automatically in response to the selection of one of the one or more viewer profile specification sets, each of the content-based specification sets comprising a rating and a subject matter category.” None of the cited references disclose this language of amended claim 1.

Kim discloses a list of TV ratings, movie ratings and subject matter in FIGs. 10 and 11. In order to set a desired rating or subject matter, the user manually selects the desired rating or subject matter from the list displayed on the screen of FIG. 11. That rating or subject matter criteria is set and programming that does not satisfy that criteria is blocked. Kim fails to disclose a “viewer profile specification set” and a separate “content-based specification set.” Kim also fails to disclose setting the content-based specification set automatically in response to the selection of the viewer profile specification set. Thus, because Kim fails to disclose all of the language of claim 1, the Applicants respectfully request the rejection be withdrawn.

Although not cited in the rejection to claim 1, Collings also fails to disclose all of the language of claim 1, either alone or in combination with Kim. Collings discloses a system for allowing two or more separate informational coding schemes to coexist. In each informational scheme, programming is classified according to several categories (Table II), where each category has one or more levels (see Table III showing levels for the Rating category). For each category within each separate informational scheme, the user manually inputs a preferred level (col. 22, ll. 9-15), which establishes a threshold for viewable programming. Programming can also be classified according to a set of subject matter labels, where if a label is selected a program defined by that label will be blocked (FIG. 5E, col. 13, ll. 26-38).

When the user enters a preferred level, the user selects a descriptive label for that level instead of selecting the actual bit string for that level (FIG. 5D, col. 13, ll. 36-39 “In general, it is easier for a user to select between blocking programming in which the level of violence is “strong” or “graphic” than it is to select between levels “4” and “5”; col. 7, ll. 45-46 “The numeral “4” indicates that the violence level is 4 on a scale of, for example, 0 to 5.”; col. 17, ll.

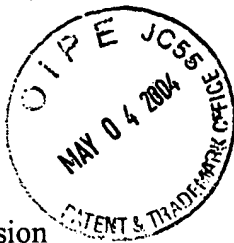
49-52). When the user selects one of the subject matter labels of FIG. 5E, that label corresponds to a distinct bit string as well (col. 15, ll. 31-34).

This technique of Collings is distinctly different from that disclosed in the application. Like Kim, Collings if a user wishes to filter programming based on a rating or subject matter, the user must individually select that rating or subject matter level. The user does not have the option to select a “viewer profile specification set” as recited in claim 1, where a content-based specification set comprising a rating and a subject matter category is automatically set in response to the selection of the viewer profile. The Applicants also note that the descriptive labeling of each level in a category cannot be likened to a viewer profile specification set as recited in claim 1. Collings discloses labeling each level because it is easier on a user than selecting the actual bit string for that level. This is essentially the same as a user selecting “TV-PG” in Kim – the user is selecting a descriptive label, i.e., TV-PG, instead of the actual transmitted bit string corresponding to TV-PG.

Elam, for the same reasons as discussed with Kim and Collings, also fails to disclose the language of claim 1.

Because none of the cited references disclose the language of claim 1, either alone or in combination, the Applicants respectfully request the rejection to claim 1 be withdrawn. Claims 13, 20 and 29 recite language similar to claim 1 and for the same reasons discussed above, the Applicants respectfully request the rejection to claims 13, 20 and 29 be withdrawn as well.

With regard to claim 29, a V-chip menu structure is also provided, which includes a first and a second selection for accessing a preset criteria menu and a custom criteria menu. The Applicants respectfully submit that the cited references only disclose a custom criteria menu and fail to disclose a preset criteria menu. For this additional reason, the Applicants respectfully request the rejection to claim 29 be withdrawn.



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Conclusion

Because the cited references fail to disclose all the elements of amended claims 1, 13, 20 and 29, the Applicants respectfully assert that these claims are in condition for allowance. Furthermore, because dependent claims 2-6, 9-12, 14-17, 21-28, 33-37 and 40-54 depend from these allowable independent claims, the Applicants submit that these dependent claims are in like condition for allowance. Based upon the foregoing remarks, a favorable action is respectfully solicited. Should the Examiner have any questions or comments, the Examiner is invited to call the undersigned at (949) 567-6700.


The commissioner is authorized to charge counsel's deposit account no. 150665 for the necessary fees, and is authorized to charge any additional fees that may be required and to credit any overpayments to said deposit account 150665.

Respectfully submitted,

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